

REMARKS

This Amendment is filed in response to the Office Action dated January 3, 2006, which time period is set to expire on April 3, 2006. Reconsideration of this application is requested in view of the foregoing amendments and the following remarks.

Before this amendment, claims 3, 4, 6, 7, 9-12 and 16-21 were pending. Claims 20 and 21 have been amended. Thus, claims 3, 4, 6, 7, 9-12 and 16-21 are presently pending in the application.

Claims 20 and 21 clarifies that polysaccharides are cationic polysaccharides. Support for this amendment is found on page 8, paragraph 20. No new matter is believed to be added by these amendments.

Applicants would respectfully like to point out a slight inconsistency in the Office Action. It appears that the 35 U.S.C. § 102 rejection over US Patent 6,274,133 has been both maintained and withdrawn according to paragraph 2 of page 2 of the Office Action. Applicants believe that the withdrawal of the rejection over US Patent 6,274,133 is appropriate. However, Applicants will address the rejection as follows.

Claim Rejection 35 U.S.C. § 102

Claims 3, 4, 6, 7, 9-12 and 16-21 were rejected by the Examiner under 35 U.S.C. § 102(b) as being purportedly anticipated by US Patent 6,274,133 ("Hu"). Applicants respectfully assert that Hu does not teach a preserving agent consisting essentially of one or more saccharide in combination with one or more cationic polysaccharide in an amount effective for solution preservation. While the independent claim 1 of Hu covers compositions with and without a primary antimicrobial agent, the language would teach away from excluding an antimicrobial agent. In column 7, beginning on line 46 and ending on line 48, Hu states:

The present composition will contain a disinfecting amount of a preservative or an antimicrobial agent. A particularly preferred preservative is sorbic acid. (Emphasis added.)

Furthermore, the fact that Hu optionally excludes an antimicrobial agent and optionally includes a mono-or di-saccharide does not affirmatively teach a preserving agent consisting essentially of one or more saccharide in combination with one or more cationic polysaccharide in an amount effective for solution preservation. In fact, Hu does not teach the amount of mono- or di-saccharide at all.

While it is true that claim 1 does not require a traditional preservative to be covered, it does not go so far as to teach the present invention. The present invention, as defined by claim 1, requires enough of the combination of saccharides and cationic polysaccharides to pass the preservative efficacy test in absence of enough preservative to alone pass the preservative efficacy test.

The benefit of a gentle preservative containing one ore more saccharide and one or more cationic polysaccharide in an amount that preserves a solution is substantial. Eliminating, or even reducing, the amount of additional preservative will also reducing discomfort to the user. Thus, the present invention satisfied a significant need in the marketplace.

Based upon the foregoing, Applicants assert that the claims are both novel and inventive over Hu. Withdrawal of this rejection is respectfully requested.

Claim Rejection 35 U.S.C. § 112

Independent Claims 20 and 21 were rejected by the Examiner under 35 U.S.C. § 112 because the specification purportedly was not enabling the generic class of polysaccharides. Likewise, the Examiner objected to dependent claims 3, 4, 6, 7, 9-12, and 16-19. Applicants respectfully disagree with the Examiner's finding. However, for the sake of progressing prosecution, Applicants have amended Claims 20 and 21 to cover the class of cationic polysaccharides. Applicants believe this rejection is now moot. Withdrawal of this rejection and objection is respectfully requested.

In view of the foregoing arguments and amendments, Applicants believe that the application is in condition for allowance. An early and favorable action on the merits is solicited.

Respectfully submitted,



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